

E) REMARKS

This Response is filed in response to the Office Action dated April 25, 2006.

Upon entry of this Amendment, claims 1-20 will be pending in the Application.

In the outstanding Office Action, the Examiner subjected claims 1-20 to a restriction requirement under 35 U.S.C. § 121.

Restriction/Election under 35 U.S.C. 121

The Office Action of April 25, 2006 subjects claims 1-20 of the present Application to a restriction requirement. The Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1- 12, drawn to a ceramic matrix composite, classified in class 428, subclass 701; and
- II. Claims 13-20, drawn to a method for forming a ceramic matrix composite, classified in class 427, subclass 249.2.

In accordance with the requirements of 37 C.F.R. § 1.143, Applicant provisionally elects the invention of Group II with traverse.

Applicant respectfully traverses the requirements for restriction and requests reconsideration of the restriction requirement between Groups I and II. Applicants submit that the restriction requirement should be withdrawn, because the Examiner has not shown that Groups I and II are not both independent and distinct, as the claims must be shown to be "independent and distinct" to maintain the restriction, 35 U.S.C. § 121, 37 C.F.R. § 1.141, MPEP 802. Additionally, it would not be an undue burden on the Examiner to search and examine both inventions, as even multiple art classes/subclasses are routinely searched when applications are examined (see MPEP 803). Any search of the ceramic matrix composite could be reasonably extended to include method of making the ceramic matrix composite. A thorough search of the art would therefore include such art.

CONCLUSION

In summary, it is respectfully submitted that for the reasons given above the restriction requirement between the inventions as set forth in claims 1-20 (Groups I and II) should be examined

and the restriction requirement reconsidered and withdrawn by the Examiner. Further, it is respectfully submitted that claims 1-20 are novel defining patentable subject matter and should be allowed. A favorable action is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 50-1059.

Respectfully submitted,

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